

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, APRIL 27, 2009**

Meeting was held at Town Hall, 420 Route 209, Huguenot, New York 12746

Attendance:

Supervisor: Gary Flieger

Councilmember's: Liam O'Neill, Viola Sinsabaugh, Karl Brabenec and Gary Spears

Attorney: Glen Plotsky

Assessor: Kathleen Smith

Call to Order 7:35PM

Pledge of Allegiance

***Small Claims Assessment Review**

Gary Flieger: I'd like to start off with Glen and Kathy with the tax issue.

Glen Plotsky: Basically about 18 different residential home owners filed complaints on real property assessments for 2008, so last year they filed, they did it through this company called Assessment Correction Group of New York. Assessment Correct Group of New York basically went Municipality by Municipality throughout Orange County, maybe even beyond the County, they sent out a mailing that said we'll represent you, this is what we charge, etcetera. Then what happens is that you basically just submit a form with no supporting documentation, all of the Assessor's and Boards of Assessment Review throughout the County essentially wrote to these people and said you haven't given us enough to do anything in terms of your claim, send us more information and here's your deadline. They then sent nothing, didn't appear, nothing, so our Board of Assessment Review in Deerpark dismissed all of their claims, now I think Kathy actually contacted many of the home owners to try to run through this and what now. The short version of this is they have now gone to the next step which is to basically ask the Supreme Court of Orange County to review, it's called a Small Claims Assessment Review, SCAR petition, and it's asking the Judge to essentially nullify or direct the Town to do something other than that which the Board of Assessment Review has done. Kathy and I met earlier this week, there appear to be a number of cases under the Real Property Tax Law that suggest that if you're given a time to appear before the Board of Assessment Review or if you're asked for specific information by the Board of Assessment Review and you don't provide that information that you're not entitled to this type of application. That having been said I still have to make an application to get it tossed, before I did significant research, before I went to Goshen, I wanted to the Boards blessing in terms of contesting this, I think it's the right way of doing it. We have 17 left, Kathy was able to negotiate and get basically two of them to withdraw, so we had 19 and we're down to 17. I have asked Kathy to put together a packet for the 17 complainants with certain information in it which I will then attach to my application, so really she's going to do a chunk of the work, I'm just going to do a little bit of research to make sure it's a sound argument.

The Board is in agreement that Glen and Kathy are doing to right thing to proceed with the process of getting the cases dismissed.

***Police Commission**

Gary Flieger: We have quite a few things to go over, most of them should be pretty quick. Number one, the Police Department would like to change uniforms at no cost to the Town, I actually thought this should be a Police Commission decision not ours, the Police Commission has given it to us. **Viola Sinsabaugh:** At that meeting they did discuss it and it still has to have approval from the Board. **Glen Plotsky:** It's not inappropriate because you're the employer, you can certainly defer to the vote of the Police Commission if that's what you'd like. **Gary Flieger:** I'd like to defer to the vote of the Police Commission. **Gary Spears:** Before we get into this what did we advertise the meeting for?

Viola Sinsabaugh: Personnel Policy was one of the things. **Karl Brabenec:** And Resolution requesting the State Legislature to amend 2008 Special Act to permit Town to borrow to close the budget deficit of 2008. Can't this wait until next meeting?

Gary Flieger: It can, I'd like to do Patti's deferral, in other words we have sat people on the Police Commission without fingerprints, we have put one big effort into it, we have hit a lot of blocks, I would like to vote tonight to temporarily set her on the Police Commission pending her fingerprinting coming back, they are having trouble with not having a quorum for meetings and she's at the meetings and can't vote, she can't be part of it, we've done it for Hoovler and a couple other people. **Viola Sinsabaugh:** The Commission wanted the Town Board to grant Mrs. Sabilia a waiver on her background check until it comes in so she can be a voting member of the commission, this was done for Hoovler and it was done for Carlsen.

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Motion to appoint Patti Sibilias

Motion made by Viola Sinsabaugh, 2nd by Karl Brabenec, to appoint Patti Sibilias as a member of the Police Commission subject to review when her fingerprints and background checks come back in, so that she may be a voting member of the Commission.

VOTE: 5 AYES Gary Spears, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

Viola Sinsabaugh: Also there was a donation from Price Slashers to the Deerpark Police Department in the sum of \$814.00 for the purchase of a taser, if accepted by the Board Officer Matt Rohner will attend a one day training by a certified instructor from Fallsburg, New York Police Department in the proper operation of this equipment.

Motion to accept donation

Motion made by Viola Sinsabaugh, 2nd by Gary Spears, to accept the donation of \$814.00 from Price Slashers for the Police Department to purchase a taser and attend a one-day training session on operation of the taser.

VOTE: 5 AYES Gary Spears, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

***Board of Assessment Review Issue**

Gary Flieger: There is also the BAR issue with members, there is a gentleman on that board that I have asked for a resignation letter from so that we can seat Judy Kehlenbeck, and he has promised me that he would do that and as of tonight I still don't have that letter of resignation, I would like to have the board vote to remove him from the board for lack of attendance, he attended two or three meetings two years ago and he attended one meeting last year, and it has left us with a hole that caused big problems last year with a quorum. Karl Brabenec: Before we do this I think there are some procedures that we have to do in order to remove a board member, we can't just vote to remove a member, especially one that has a term. Karl read the law out loud.

Motion to send letter to Chris Barrett

Motion made by Gary Flieger, 2nd by Viola Sinsabaugh, to have the Town Clerk send a letter, via certified mail with return receipt requested, to Chris Barrett with regard to removing him from his position on the Board of Assessment Review, requesting he submit a letter of resignation.

VOTE: 5 AYES Gary Spears, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

***Resolution regarding Deficit Financing**

Viola Sinsabaugh read the resolution

Motion to adopt Resolution #8-2009

Motion made by Viola Sinsabaugh, 2nd by Liam O'Neill, to adopt Resolution #8-2009 regarding Serial Bonds and Deficit Financing.

VOTE: 5 AYES Gary Spears, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

***Personnel Policy**

The Board discussed the Personnel Policy. The Board will meet again to discuss this further.

*A copy of the tape will be on file in the Town Clerk's Office for six months if anyone wishes to review this discussion.

Motion to have a workshop

Motion made by Viola Sinsabaugh, 2nd by Karl Brabenec, to have a workshop on Monday, May 11, 2009 at 7:30PM to discuss the Personnel Policy.

VOTE: 5 AYES Gary Spears, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

Motion to enter Executive Session 9:35PM

Motion made by Viola Sinsabaugh, 2nd by Liam O'Neill, to enter Executive Session to discuss litigation regarding Sullivan and DuBois, and to invite the Attorney.

VOTE: 5 AYES Gary Spears, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

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Motion to end Executive Session 10:08PM

Motion made by Viola Sinsabaugh, 2nd by Liam O'Neill, to end Executive Session and re-enter Regular Session.

VOTE: 5 AYES Gary Spears, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

Gary Flieger: Asked Bill Bavoso about looking in to the Recreation Fees to see about changing it to 3 or more lots.

Glen Plotsky: Need to draft a local law for that.

Motion to suspend Health Insurance for Part Time Employees

Motion made by Karl Brabenec, 2nd by Liam O'Neill, to suspend Health Insurance for Part Time Employees.

VOTE: 2 AYES: Karl Brabenec and Liam O'Neill

3 NO'S: Gary Spears, Viola Sinsabaugh and Gary Flieger

MOTION FAILED

Motion to adjourn 10:15PM

Motion made by Viola Sinsabaugh, 2nd by Liam O'Neill to adjourn the meeting.

VOTE: 5 AYES Gary Spears, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk